



JC07 Rec'd PTO 05 APR 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Re Application of:

Akira Nishiyama et al.

Serial No.: 09/762,215

Art Unit: Not yet assigned

Filed: February 5, 2001

Examiner: Not yet assigned

For: Processes for the Preparation of 5-Hydroxy-3-Oxopentanoic Acid Derivatives

Atty Docket: 1581/00240

**RESPONSE TO "NOTICE TO FILE MISSING REQUIREMENTS"**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the **NOTICE TO FILE MISSING REQUIREMENTS OF APPLICATION** dated March 5, 2001, Applicants submit herewith the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts;
2. Original executed Declaration;
3. Our check for \$170.00 covering:
  - \$130.00 - Surcharge for late filing of Declaration, and
  - \$ 40.00 - Assignment recordation fee.

The Director is hereby authorized to charge any insufficient fees, including any fees required under 37 CFR §§ 1.16 or 1.17, or credit any overpayment to Deposit Account No. 22-0185. A duplicate copy of this authorization is also attached.

04/09/2001 SHAJARRD 00000044 09762215  
01 FC:154 130.00 OP

Respectfully submitted,

Burton A. Amernick, Reg. No. 24,852  
Connolly Bove Lodge & Hutz LLP  
1990 M Street, N.W.  
Washington, D.C. 20036-3425  
Telephone: 202-331-7111

Date: April 5, 2001

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Burton A. Amernick".

Burton A. Amernick, Reg. No. 24,852  
Connolly Bove Lodge & Hutz LLP  
1990 M Street, N.W.  
Washington, D.C. 20036-3425  
Telephone: 202-331-7111

Date: April 5, 2001

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81-240

missing requirement 4-5-01



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

|                               |                       |                  |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NO.          | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/762215                     | NISHIYAMA             | A 1581/00240     |
| INTERNATIONAL APPLICATION NO. |                       |                  |
| PCT/JP00/03574                |                       |                  |
| I.A. FILING DATE              | PRIORITY DATE         |                  |
| 02 JUN 00                     | 04 JUN 99             |                  |
| DATE MAILED: 05 MAR 2001      |                       |                  |

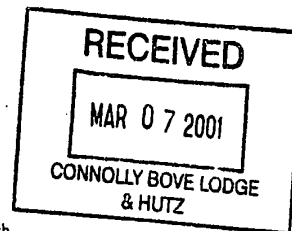
CONNOLLY BOVE LODGE & HUTZ  
1990 M STREET N W SUITE 800  
WASHINGTON, DC 20036 3425

APR 05 2001  
PATENT & TRADEMARK OFFICE

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
- ☐ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
  - ☒ a non-English language.
  - ☐ English.
- ☒ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☐ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☒ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed \_\_\_\_\_.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☐ and copies of the references cited therein.
- ☐ Other:



2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
- 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed:  
☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875  
FORM PCT/DO/EO/905 (December 1997)

Deborah Williams  
Telephone: 703-305-3744